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July 27, 2023

BY ECF

Hon. Taryn A. Merkl
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Trooper 1 v. NYSP et al.*, No. 22-cv-893

Dear Judge Merkl:

On behalf of our client Melissa DeRosa, we respectfully join the request made by counsel for former Governor Andrew Cuomo by letter dated July 18, 2023 seeking leave to file an unredacted version of former Governor Cuomo's letter (also filed July 18) regarding Ana Liss-Jackson's July 10, 2023 deposition testimony.

By way of background, on July 18, 2023, counsel for former Governor Cuomo wrote to the Court in further support of Mr. Cuomo's then-pending motion to compel against the Office of the New York State Attorney General ("NYAG"). Dkt. 94. The basis for the letter was Ms. Liss-Jackson's testimony during her deposition, in which, among other things, she contradicted or failed to recall highly relevant testimony she provided to the NYAG. *Id.* Several crucial portions of Ms. Liss-Jackson's testimony were redacted in the letter. Separately, on the same date, counsel filed another letter to the Court under seal requesting leave to file unredacted versions of the letter and the transcript of Ms. Liss-Jackson's deposition testimony on the public docket. Dkt. 93. The basis for the request was set forth in that letter.

On July 21, this Court denied former Governor Cuomo's motion to compel. 22-MC-3044 (LDH) (TAM) Dkt. 37. The decision left unaddressed, however, the request to file the letter and deposition testimony in unredacted form.

We join in counsel's request that the letter and deposition testimony be filed in unredacted form, for the reasons set forth in former Governor Cuomo's letter. Simply put, the

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materials are not confidential for the reasons set forth in former Governor Cuomo's July 18 letter, and the parties and the public have a right to have these judicial documents made public.

The undersigned emailed Ms. Liss-Jackson's attorney, Donald Rehkopf, in advance of filing this letter, and he confirmed that his position remains that he believes he is not authorized to consent to disclosure of the transcript, but that he does not otherwise object to disclosure if the Court confirms that the transcript can be made public.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Catherine M. Foti
Catherine M. Foti